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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/790,834      | 03/03/2004  | Toru Homma           | 04329.3257          | 2527             |

22852 7590 09/20/2007  
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| EXAMINER |
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LIU, LIN

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2145

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| MAIL DATE | DELIVERY MODE |
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09/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/790,834 | <b>Applicant(s)</b><br>HOMMA, TORU |  |
|                              | <b>Examiner</b><br>Lin Liu           | <b>Art Unit</b><br>2145            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/03/2004, 05/09/2005 and 02/01/2007.

Art Unit: 2145

### DETAILED ACTION

1. This office action is responsive to communications filed on 06/17/2007.

Claims 1-12 are pending and have been examined.

2. The information disclosure statement (I.D.S) filed on 03/03/2004, 05/09/2005 and 02/01/2007 are considered.

### *Specification*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by **Sim et al. (Publication no.: US 2002/0002035 A1)**.

With respect to **claim 1**, Sim teaches an electronic apparatus comprising:

a communication device that executes communication with an external device

(Sim, fig. 2, page 2, paragraph 31);

an input device (Sim, page 3, paragraph 41, noted the remote controller);

means for selecting one of a first communication mode and a second communication mode in accordance with an operation of the input device (Sim, page 3, paragraphs 38 and 41 and page 4, paragraph 48); and

means for, when the first communication mode is selected (Sim, page 3, paragraph 38), controlling one-way communication to transmit content data from the communication device to the external device with a first quality and for (Sim, page 3, paragraphs 35, 38 and 44, noted the selection of the second decoder 15 to decode high speed data), when the second communication mode is selected, controlling two-way communication to transmit and receive content data between the communication device and the external device with a second quality which is lower than the first quality (Sim, page 3, paragraphs 35 and 38 noted the selection of the first decoder 12 to decode low speed data).

With respect to **claim 3**, Sim teaches the electronic apparatus according to claim 1, wherein the controlling means includes means for controlling communication between the communication device and the external device (Sim, fig. 2) such that content data compression-encoded by a first compression-encoding scheme is transmitted from the communication device to the external device when the first communication mode is selected (Sim, fig. 3 and page 3, paragraph 41), and content data compression-encoded by a second compression-encoding scheme is transmitted and received between the communication device and the external device when the second communication mode is selected (Sim, fig. 7, page 3 paragraph 35 and page 4 paragraph 50).

With respect to **claim 4**, Sim teaches the electronic apparatus according to claim 1, wherein the controlling means includes means for controlling communication between the communication device and the external device such that content data sampled with a first sampling frequency is transmitted from the communication device to the external device when the first communication mode is selected (Sim, page 3, paragraphs 35, 38, and 41), and content data sampled with a second sampling frequency, which is lower than the first sampling frequency, is transmitted and received between the communication device and the external device when the second communication mode is selected (Sim, page 3, paragraphs 35 and 38).

With respect to **claim 5**, Sim teaches the electronic apparatus according to claim 1, further comprising means for storing first parameter information indicative of a kind of compression-encoding to be used in the first communication mode (Sim, page 3, paragraph 35) and a value of a sampling frequency used in the compression-encoding (It is an inherent feature for any decoder/encoder to have a value associate with it in order to perform decoding/encoding function), and second parameter information indicative of a kind of compression-encoding to be used in the second communication mode (Sim, page 3, paragraph 35) and a value of a sampling frequency used in this compression-encoding (It is an inherent feature for any decoder/encoder to have a value associate with it in order to perform decoding/encoding function),

wherein the controlling means includes means for setting communication conditions for the one-way communication in the communication device and the external device in accordance with the first parameter information when the first

communication mode is selected (Sim, page 3, paragraph 35), and setting communication conditions for the two-way communication in the communication device and the external device in accordance with the second parameter information when the second communication mode is selected (Sim, page 3, paragraph 35).

With respect to **claim 6**, Sim teaches the electronic apparatus according to claim 1, wherein the external device is a headset including a speaker and a microphone (Sim, page 3, paragraph 35, noted that headset 11 includes speaker and mic),

the electronic apparatus further comprises means for storing first parameter information indicative of communication conditions for transmitting audio data with the first quality (Sim, page 3, paragraph 35, noted that the second decoder 15 uses MAS-3507 decoder) and second parameter information indicative of communication conditions for transmitting audio data with the second quality (Sim, page 3, paragraph 35, noted that the first decoder 12 uses PCM decoder/encoder), and

the controlling means includes means for setting communication conditions for the one-way communication in the communication device and the external device in accordance with the first parameter information when the first communication mode is selected (Sim, page 3, paragraph 35), and setting communication conditions for the two-way communication in the communication device and the external device in accordance with the second parameter information when the second communication mode is selected (Sim, page 3, paragraph 35).

In regard to **claim 7**, the limitations of this claim are substantially the same as those in claim 1, but rather in a computer program stored in a computer readable

Art Unit: 2145

medium form. Therefore the same rationale for rejecting claim 1 is used to reject claim 7. By this rationale **claim 7** is rejected.

In regard to **claims 9-12**, the limitations of this claim are substantially the same as those in claims 3-6, but rather in a computer program stored in a computer readable medium form. Therefore the same rationale for rejecting claims 3-6 is used to reject claims 9-12. By this rationale **claims 9-12** are rejected.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

**Sim et al. (Publication no.: US 2002/0002035 A1)** in view of **Official Notice**.

With respect to **claim 2**, Sim teaches the electronic apparatus according to claim 1, further comprising:

a display device (Sim, page 3, paragraph 44); and

wherein the selecting means includes means for selecting the first communication mode when the first icon is selected by an operation of the input device (Sim, page 3, paragraph 41), and selecting the second communication mode when the an incoming call request is received (Sim, page 4, paragraphs 48 and 50).



means for displaying the title of a song (Sim, page 3, paragraph 44) and means for receiving a notice of incoming call request (Sim, page 4, paragraphs 48 and 50). Sim fails to disclose a method of notifying the user of an incoming call request on the display. Office Notice is taken that a method of notifying a user of an incoming call on a display by prompting a notifying message is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of notifying the user of an incoming phone on a display with the advantage being that it provides a friendly interface in an not-disturbing way in notifying the user while the user is listening to the music.

In regard to **claim 8**, the limitations of this claim are substantially the same as those in claim 2. Therefore the same rationale for rejecting claim 2 is used to reject claim 8. By this rationale **claim 8** is rejected.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Van Pelt et al. (Publication no.: US 2003/0073460 A1) discloses a modular headset for cellphone or mp3 player.
- Uchiyama (publication no.: US 2003/0013411 A1) discloses an integrated cordless telephone and Bluetooth dongle.

- Kawamura (publication no.: US 2004/0048569 A1) discloses a method of radio communication control.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447.

The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L. Liu  
09/13/2007

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER